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FM AMEMBASSY HARARE  
TO RUEHC/SECSTATE WASHDC PRIORITY 9979  
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RUEHUJA/AMEMBASSY ABUJA 1199  
RUEHAR/AMEMBASSY ACCRA 1035  
RUEHDS/AMEMBASSY ADDIS ABABA 1202  
RUEHBY/AMEMBASSY CANBERRA 0463  
RUEHDK/AMEMBASSY DAKAR 0829  
RUEHKM/AMEMBASSY KAMPALA 1256  
RUEHNR/AMEMBASSY NAIROBI 3619  
RUEHFR/AMEMBASSY PARIS 1028  
RUEHRO/AMEMBASSY ROME 1662  
RUEKDIA/DIA WASHDC//DHO-7//  
RHEHNSC/NSC WASHDC  
RUEHBS/USEU BRUSSELS  
RUEKJCS/JOINT STAFF WASHDC  
RUCNDT/USMISSION USUN NEW YORK 1414  
RUCPDO/DEPT OF COMMERCE WASHDC  
RUFOADA/JAC MOLESWORTH RAF MOLESWORTH UK//DOOC/ECMO/CC/DAO/DOB/DOI//  
RUEPGBA/CDR USEUCOM INTEL VAIHINGEN GE//ECJ23-CH/ECJ5M//

C O N F I D E N T I A L HARARE 000532

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AF/S FOR B. NEULING  
NSC FOR SENIOR AFRICA DIRECTOR C. COURVILLE  
AFR/SA FOR E. LOKEN  
COMMERCE FOR BECKY ERKUL

E.O. 12958: DECL: 12/31/2011

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SUBJECT: AU REQUESTS "PROVISIONAL MEASURES" FROM GOZ IN  
HUMAN RIGHTS CASE

Classified By: Ambassador Christopher Dell under Section 1.4 b/d

1. (C) Zimbabwe Lawyers for Human Rights (ZLHR) Executive Director Arnold Tsunga conveyed to the Ambassador on May 5 a copy of a letter dated April 7, 2006, to President Mugabe from Ambassador Salamata Sawadogo, Chairperson of the African Commission on Human and Peoples' rights (ACPHR) (full text transmitted to AF/S). Under African Union letterhead, the letter requests the GOZ to take certain provisional measures (below) to protect individuals affected by the GOZ's slum demolition program last year in connection with a case brought before the ACPHR by ZLHR and the Southern African Human Rights Trust (SAHRiT). Tsunga advised that the GOZ had yet to respond to the letter and we are unaware of any media attention to the letter.

2. (SBU) The letter states, inter alia:

"The African Commission, having examined the request of the Complainants, has decided, in conformity with Article 111 of the African Commission's Rules of Procedure, to request Your Excellency and the Government of Zimbabwe to take provisional measures so as:

(1) To obviate the general deterioration of the health of 34 terminally ill individuals infected by HIV/AIDS and who, due to "Operation Murambatsvina", are said to lack access to medical treatment, in particular to anti-retroviral drugs.

(2) To ensure that the 210 children of school going age who are enrolled and some of whom are to sit to exams, do not lose the opportunity to pursue their education and to sit for their exams, as a result of "Operation Murambatsvina". The names of the said children are attached herewith in annex;

(3) To adopt specific measures favourable to the victims of

"Operation Murambatsvina", such as the provision of shelter and medical treatment to orphans, to the elderly and to the sick, in order to improve their situation.

Your Excellency Mr. President of the Republic, on behalf of the African Commission, I would like to request your Excellency and the Government of the Republic of Zimbabwe, in case this information is proven correct, to kindly implement the above-mentioned provisional measures and I would like to assure you that this request does not in any way, reflect the final position of the African Commission as regards this Communication."

13. (C) COMMENT: Tsunga characterized the letter and the provisional relief it requests as "unprecedented." To our knowledge, he seems to be right. We are unaware of any other such AU directives in the past. The measure is welcome evidence that the ACPHR is prepared to play a constructive role in advancing human rights in Zimbabwe and on the continent. Moreover, the letter is a strong indicator that others on the continent are increasingly unsympathetic to Mugabe's regime and willing to stand up to Mugabe's posturing. We hope it will provide political cover to other Africans to speak out and that it will help deepen the GOZ's growing sense of isolation and vulnerability. For its part, we would expect the Mugabe regime to react with defiance and to allege that the ACPHR is captive to the West.  
DELL